

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT TACOMA**

11 **COLUMBIA COMMUNITY CREDIT**
12 **UNION, also known as COLUMBIA CREDIT**
13 **UNION, a Washington nonprofit corporation,**

14 Plaintiff,

15 v.

16 **CHICAGO TITLE INSURANCE COMPANY,**
17 a Missouri corporation,

18 Defendant.

19 Case No. C09-5290RJB

20 **ORDER ON CR37 JOINT**
21 **SUBMISSION REGARDING**
22 **DISCOVERY DISPUTE**

23 This matter comes before the court on the CR 37 Joint Submission Regarding Discovery
24 Dispute (Dkt. 11). The court is familiar with the records and files herein and is fully advised. This
25 order will address the disputed discovery requests by interrogatory or request for production
26 number.

27 Interrogatory No. 21. The objection to the interrogatory is well-taken, and is sustained.

28 Interrogatory No. 22. This interrogatory should be answered as modified by the moving
29 party in its argument and reply. The information sought appears to be relevant under Federal Rule
30 of Civil Procedure 26(b)(1). This ruling, however, is without prejudice to a further showing of an
31 undue burden in responding. Based on the submission, the court cannot judge whether the burden
32 upon the responder is unreasonable.

1 Interrogatory No. 23. This interrogatory should be answered as limited in the moving
2 party's argument and reply. It appears to be relevant within Rule 26(b)(1). This ruling is also
3 without prejudice to a showing of undue burden in responding. (The court has no way of knowing
4 whether this response will refer to three claims, three hundred claims, or three thousand claims, or
5 more.)

6 Interrogatory No. 26. This interrogatory should be answered in all respects except that no
7 response to the interrogatory requesting the amount of the reserve is required.

8 Request for Production No. 11. The first sentence of this request appears to the court to be
9 ambiguous and over broad. The second sentence, however, should be answered, that is, documents
10 that relate to or reflect failure to follow Chicago Title underwriting procedures.

11 Request for Production No. 18. This request should be responded to as limited in the
12 moving party's argument.

13 Request for Production No. 19. This request should be responded to as limited in the
14 moving party's argument.

15 Request for Production No. 20. This request should be responded to as limited in the
16 moving party's argument and the responding party's response, that is, Chicago Title should provide
17 all documents of employees involved in the handling of Columbia's claim, if those employees have
18 been criticized for unreasonable or untimely claim handing.

19 Request for Production No. 31. As in Interrogatory No. 26, this request for production
20 should be responded to except as to documents showing the amount of any reserve and any
21 adjustments to the amount of the reserve.

22 Request for Production No. 32. The responding party should not be required to respond to
23 this request for production. It is over broad, even as the moving party proposes to limit it and,
24 furthermore, it requests substantial information that is not discoverable under FRCP 26(b)(1).

25
26 IT IS SO ORDERED.

The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

DATED this 30th day of November, 2009.

Robert J. Bryan

Robert J. Bryan
United States District Judge